

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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:
SEUNGICK CHUNG, :
:
Plaintiff, : 14-CV-07187 (KAM)
:
v. :
:
GRACE ROAD CHURCH, *et al.*, : 225 Cadman Plaza East
:
Defendants. : Brooklyn, New York
:
-----X
December 18, 2017

TRANSCRIPT OF CIVIL CAUSE FOR INQUEST HEARING
BEFORE THE HONORABLE ROBERT M. LEVY
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

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1 (Proceedings began at 11:35 a.m.)

2 MR. SCHOLFIELD: With me is Attorney Sung-Ho Hwang,
3 who's the conservator of the estate of Seungick Chung. We
4 apologize for our tardiness. There was a --

5 THE COURT: Not a problem.

6 MR. SCHOLFIELD: -- tractor/trailer turned over.

7 With the Court's indulgence, I know we're tardy
8 here, if we could have maybe a five-minute recess just to get
9 our --

10 THE COURT: Sure.

11 MR. SCHOLFIELD: -- exhibits put up.

12 THE COURT: No, let -- let me just call the case.

13 This is docket number 14-CV-7187, *Chung v. Grace*
14 *Road Church, et al.*, and we're here for an inquest hearing.
15 Okay, take a break.

16 MR. SCHOLFIELD: Thank you.

17 (Off the record.)

18 THE COURT: Let's call the case again. Okay,
19 we're -- are we ready? Okay. We're -- we're on the record.
20 This is Chung v. Grace Road Church, et al., 14-CV-7187. Will
21 counsel please state his appearance for the record?

22 MR. SCHOLFIELD: Yes, Your Honor. Attorney Daniel
23 Scholfield of Lynch Traub Keefe & Errante here for the
24 plaintiff. My understanding is that the defendants have been
25 defaulted and are not appearing. With me here today is

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1 Attorney Sung-Ho Hwang. who is the conservator of the person
2 and estate of Seungick Chung, the individual who is in this
3 case.

4 THE COURT: All right. I'm going to ask you to
5 stand up while you're administered the oath.

6 SUNG-HO HWANG, SWORN

7 THE COURT: Proceed.

8 DIRECT EXAMINATION

9 BY MR. SCHOLFIELD:

10 Q. Attorney Hwang, would you please state your full
11 name for the record?

12 A. Sung-Ho Hwang.

13 Q. And what's your business address?

14 A. 1 Audubon Street, New Haven, Connecticut.

15 Q. Are you a member of the Bar of Connecticut?

16 A. I am.

17 Q. And also the Bar of New York?

18 A. Federal Eastern and Southern District Court in New
19 York?

20 Q. When were you admitted to the Bar in Connecticut?

21 A. '92.

22 Q. And what have been your primary areas of practice
23 since that time?

24 A. Civil litigation and immigration law.

25 Q. Were you born in the United States?

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1 A. No, I was born in South Korea.

2 Q. And at some point in time you moved to the United
3 States and became a citizen?

4 A. Yes, that's correct.

5 Q. And are you fluent in Korean, sir?

6 A. Yes, I am.

7 Q. Now, did there come a time several years ago when you
8 became involved with an individual named Seungick Chung?

9 A. Yes.

10 Q. And briefly tell his Honor how that happened.

11 A. I was called by a secretary of the Probate Court and
12 they were trying to find a Korean/American attorney that could
13 handle this conservatorship for Mr. Chung.

14 Q. Did you learn through those conversations that Mr. Chung
15 was going to be conserved?

16 A. Correct, yes.

17 Q. And at the time did you learn why he was becoming
18 conserved?

19 A. It had to do with what had happened during the care
20 of his sister and his parents and I think the Probate Court
21 felt that he needed a conservator.

22 Q. And that was a --

23 THE COURT: Could you just clarify which court --
24 Probate Court it was?

25 BY MR. SCHOLFIELD:

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1 Q. Was that a court in Connecticut?

2 A. Yes, Hartford Probate Court.

3 Q. And in front of you, sir, do you have an exhibit
4 marked Exhibit 1?

5 A. I do.

6 Q. I believe it's Bates-stamped Chung 1295 at the
7 bottom.

8 A. That's correct, yes.

9 Q. And is that a decree from the Probate Court
10 appointing a conservator for the person and estate of Seungick
11 Chung?

12 A. It is.

13 Q. And does it list you as the person to be appointed?

14 A. Yes, it does.

15 MR. SCHOLFIELD: Your Honor, I move that it be
16 admitted as a full exhibit.

17 THE COURT: Any objections? Yes, admitted. Thank
18 you. May I take a look at this?

19 (Plaintiff's Exhibit 1 Admitted Into Evidence)

20 MR. SCHOLFIELD: Yes. And just -- just for the sake
21 of brevity, Your Honor.

22 BY MR. SCHOLFIELD:

23 Q. Attorney Hwang, do you have Exhibits 2, 3 and 4 also
24 in front of you?

25 A. I do.

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1 Q. And are those in seriatim your acceptance of the
2 trust, the actual fiduciary certificate from the Probate Court
3 appointing you?

4 A. It is.

5 Q. That's -- that's 2 and 3. And then is Exhibit 4 the
6 most recent order we have from the Probate Court indicating
7 that the conservatorship will continue?

8 A. Yes.

9 MR. SCHOLFIELD: Your Honor, I'd offer all three of
10 those into evidence.

11 THE COURT: Admitted.

12 (Plaintiff's Exhibit 2 through 4 Admitted Into evidence.)

13 THE COURT: And I -- I know you're about to do this,
14 but if you could just explain for the record what the role of
15 the conservator is under Connecticut law, please.

16 BY MR. SCHOLFIELD:

17 Q. Sir, do you have an understanding as to what the
18 role of a conservator is under Connecticut law?

19 A. I do. Essentially I act in the best interests of
20 Mr. Chung who has a disability. He has been diagnosed with
21 schizophrenia, so he cannot make his own decisions. And there
22 was an incident with the family, so the family -- so the
23 Probate Court felt that an independent person would be --
24 would act in the best interests of Mr. Chung and make the
25 various decisions of life decisions and financial decisions.

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1 Q. Now at the time you became the conservator of Mr. Chung,
2 do you know where he was living?

3 A. He was at Trinity, which is a -- a nursing care
4 facility for mental health.

5 Q. Where is that located?

6 A. It's located in Hartford, Connecticut.

7 Q. And sometime after your appointment as conservator,
8 did you have an occasion to go and meet with Mr. Chung?

9 A. I did. I met with him approximately a month after I
10 was appointed.

11 Q. And where did you meet him?

12 A. I met him at the facility up in Hartford.

13 Q. Do you know about when that was? What time of year?

14 A. That was maybe June of 2013.

15 Q. Now --

16 THE COURT: I'm sorry, can you explain again what
17 kind of facility that was?

18 THE WITNESS: It's a nursing home type of facility
19 for mental health, people that -- that have severe mental
20 health issues.

21 THE COURT: So people who -- who can't live on their
22 own and need medical care as well as --

23 THE WITNESS: Mental health care.

24 THE COURT: -- mental health care?

25 THE WITNESS: Correct.

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1 THE COURT: So both mental -- mental health care and
2 medical care?

3 THE WITNESS: That's correct.

4 THE COURT: Okay. Thank you.

5 BY MR. SCHOLFIELD:

6 Q. And can you describe for his Honor the physical status of
7 Mr. Chung when you first met him.

8 A. When I first met him he was heavily sedated. He was
9 in a wheelchair and he pretty much could not, you know, have a
10 coherent sentence. He was kind of rambling a little bit. He
11 was a little bit angry.

12 Q. Can you describe his physical constitution for his
13 Honor?

14 A. Very thin. Had -- he had lost a lot of weight and
15 obviously his leg was amputated above the knee.

16 Q. Which leg, do you recall?

17 A. I think it was the right leg.

18 THE COURT: Now, you said he'd lost a lot of weight.
19 How did you know that since that was the first time you met
20 him?

21 THE WITNESS: The medical reports stated that he had
22 lost a lot of weight since he was first admitted to the
23 hospital in New York.

24 BY MR. SCHOLFIELD:

25 Q. You did -- you had also mentioned he appeared thin.

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1 Were you able to see bones through his skin or anything like
2 that?

3 A. Yeah, he was -- he was pretty emaciated.

4 THE COURT: And I'm sorry, you said he had lost
5 weight according to the medical records from the time he'd
6 been -- first admitted to the hospital in New York. Is that
7 something you're --

8 MR. SCHOLFIELD: Yeah, we're getting there.

9 THE COURT: Okay. Okay.

10 MR. SCHOLFIELD: It's sort of a --

11 THE COURT: Sure.

12 MR. SCHOLFIELD: -- in a roundabout way, Your Honor,
13 but.

14 THE COURT: That's fine.

15 BY MR. SCHOLFIELD:

16 Q. Now, can you describe the facility itself? What
17 kind of facility -- I know you've told -- mentioned that it
18 was a healthcare facility.

19 A. When I went back into the facility itself, the first
20 thing you'd smell was human excrement. It was pretty shocking
21 and kind of not kept up well. There was a lot of patients and
22 you can hear the screaming.

23 Q. It wasn't a -- it wasn't a nice place to be, I take
24 it?

25 A. No, it was actually kind of -- that was the first

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1 time I've ever seen something like that. It was pretty --
2 pretty bad.

3 Q. Now, I guess skipping ahead a little bit, did -- in
4 your role as conservator, did you conduct any investigation as
5 to why Mr. Chung needed to be conserved?

6 A. I did. I was approached by his father after I was
7 appointed and he had told me the story of what had happened to
8 Mr. Chung and to see whether or not there could be something
9 done. Do you want me to talk about that or --

10 Q. Yeah, let's talk first about that first meeting --

11 A. Okay.

12 Q. -- with Mr. Chung's father. Where did that meeting
13 occur?

14 A. He came to my office.

15 Q. And what was the sort of character of the
16 meeting? Was it a happy meeting or something else?

17 A. I'm sorry?

18 Q. Was it a happy meeting or was it something else?

19 A. Oh, I think so. I think he was happy that somebody,
20 an attorney was involved with this case. And he told me a
21 story of what happened that was pretty shocking.

22 Q. Well, let's get the -- let's start with this first. Was
23 it your understanding that Mr. Chung was involved in an
24 incident that caused him to lose his right leg?

25 A. Yes.

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1 Q. And what did your father -- what did his father --
2 excuse me -- but what did his father tell you about that
3 incident?

4 A. He told me a brief synopsis of how he was taken to
5 New York City by his sister who was involved in a church. And
6 he said that they had taken him off his meds because he was
7 about -- maybe six or seven or eight years prior to this
8 incident he's been diagnosed with schizophrenia. So they took
9 him -- took him off his meds. They thought that they could
10 heal him through religious prayer.

11 THE COURT: "They" meaning who?

12 THE WITNESS: The church.

13 BY MR. SCHOLFIELD:

14 Q. Maybe I should ask a couple follow-up questions. Did
15 the father know anything about the church?

16 A. He knew that his daughter was involved with this
17 church.

18 Q. Did you at some point in time during your
19 investigation go to speak with the sister?

20 A. I did.

21 Q. And when did that happen approximately?

22 A. Probably the late summer of 2013.

23 THE COURT: Could you identify her by name, please?

24 MR. SCHOLFIELD: Yeah, her name is Myung, M-Y-U-N-G,
25 dash, Hee, H-E-E, Chung.

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1 THE WITNESS: He had said that she was involved with
2 this church, that the leader of the church was coming to New
3 York.

4 BY MR. SCHOLFIELD:

5 Q. This is what Myung-Hee Chung informed you of?

6 A. Yes.

7 Q. And first, was that a recorded conversation?

8 A. Yes.

9 Q. Did you inform her that you were recording her?

10 A. Yes, I did.

11 Q. You did? Did you ever --

12 A. I actually went to meet her as part of my
13 investigation about what had happened after the father brought
14 this to my attention. He actually told me that -- he gave me
15 a written statement saying that Kevin wanted to bring a
16 lawsuit against the church, so I did an investigation. I
17 actually went to meet his sister. I recorded that
18 conversation.

19 Q. And --

20 A. His sister was -- this was after the sister was
21 released from -- from jail.

22 Q. Is it your understanding that his -- Mr. Chung's
23 sister was incarcerated as a result of the incident we're here
24 to discuss today?

25 A. That's right.

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1 Q. When you did meet her, where was she physically
2 located?

3 A. She was in Washington State, Seattle.

4 Q. Did you have an understanding as to what she was
5 doing in Seattle?

6 A. Yes. They were opening up another church in
7 Seattle.

8 Q. Well, in any event, the sister was involved in the
9 church. What was the church's name?

10 A. Grace Road Church.

11 Q. And, first of all, do you have an exhibit marked
12 Exhibit 7 in front of you?

13 A. I do.

14 Q. And as we indicated earlier, you had had the
15 statement given by the sister recorded. Is that correct?

16 A. That's correct.

17 Q. And afterwards at your request, did my office have
18 it transcribed by a court reporter?

19 A. Yes.

20 Q. And is Exhibit 7 the transcription of the recorded
21 statement of Ms. Chung?

22 A. It is.

23 THE COURT: When -- was this -- was the statement
24 made in English or Korean, which?

25 MR. SCHOLFIELD: There -- there are some times, Your

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1 Honor, where you'll notice it says "Speaks in Korean," but for
2 the most part it's in English.

3 THE COURT: And the part that are Korean, are those
4 parts translated or not?

5 MR. SCHOLFIELD: We did not have them translated.

6 THE COURT: Okay.

7 MR. SCHOLFIELD: But I would offer it at least as a
8 basis for Mr. Hwang's knowledge as to what was going on and
9 what happened.

10 THE COURT: Yes. And the statements made by
11 Mr. Chung's father are out-of-court statements. Are they, in
12 your view, admissible in this proceeding and, if so, under
13 what exception or if not, why not?

14 MR. SCHOLFIELD: The exception would be I think to
15 show Mr. Hwang's mental impression in explaining why he did
16 what he did. They don't necessarily -- the father's
17 statements don't necessarily have to be admissible for the
18 truth.

19 THE COURT: Okay.

20 MR. SCHOLFIELD: With the sister, our argument --
21 actually years ago at this point in the United States District
22 Court in Connecticut was that she was effectively an agent of
23 the church and at the time that argument was accepted. That's
24 how we had to respond to the affidavit I think to that. So we
25 would argue that her statements are -- are admissible as

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1 statements in interest [ph.].

2 THE COURT: Okay.

3 MR. SCHOLFIELD: Thank you, Your Honor.

4 (Plaintiff's Exhibit 7 Admitted Into Evidence.)

5 BY MR. SCHOLFIELD:

6 Q. Did you have an understanding as to how Ms. Chung
7 became involved in the church in the first place?

8 A. She got -- I think she was involved for a long time
9 and she was just an ordinary member and then she got recruited
10 to actually start opening up other churches, so she's kind of
11 a higher level because she opened up New York and she was in
12 the process, when I met her, opening up the Seattle,
13 Washington church.

14 Q. Per Ms. Chung, do you have an understanding as to
15 where the primary headquarters of this church was?

16 A. In Korea.

17 Q. In any event from speaking -- did you also obtain
18 police reports --

19 A. I did.

20 Q. -- for your investigation in this matter? And do
21 you have Exhibits 5 and 6 in front of you?

22 A. I do.

23 Q. Are those two separate police reports you obtained
24 as part of your investigation as conservator from two separate
25 incidents: one on September 25th, 2012 and one on October 12,

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1 2012?

2 A. Yes, it is.

3 MR. SCHOLFIELD: Your Honor, we'd offer these as
4 well.

5 (Plaintiff's Exhibits 5 and 6 Admitted Into Evidence.)

6 BY MR. SCHOLFIELD:

7 Q. And I guess Mr. Hwang, not to maybe fast-track it
8 too much, but from speaking to the sister, speaking to the
9 father and reviewing the police reports, what did you learn
10 had happened to Mr. Chung?

11 A. Mister --

12 THE COURT: Let me just interrupt you for one
13 second.

14 Can you explain to me again how you got these police
15 reports?

16 THE WITNESS: Yeah, I think it was FOIA. We did an
17 app -- I think we did -- I did a FOIA application to the
18 police and they sent us the -- the report.

19 THE COURT: All right. So it's your testimony that
20 these documents, Exhibits 5 and 6, are the documents that
21 were -- that you received as a result of a state law, federal
22 information claim?

23 THE WITNESS: Yes, Your Honor.

24 THE COURT: A federal -- so a State FOIA claim,
25 okay. Thank you.

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1 MR. SCHOLFIELD: My apologies, Your Honor.

2 THE COURT: Oh, and one other question. When you
3 visited the daughter in Seattle did you visit her at a Grace
4 Church office or --

5 THE WITNESS: They were in the process of opening up
6 the church so it was in a rented house and the people that
7 were there were her fiance and another minister.

8 THE COURT: Where -- was that location officially
9 part of the church, do you know?

10 THE WITNESS: Yes. I believe that the church had
11 rented that space out and then they were in the process of
12 finding additional space at that -- that they would, you know,
13 have their services.

14 THE COURT: And that that's what Mr. Chung's sister
15 told you?

16 THE WITNESS: Yes.

17 THE COURT: Thank you.

18 BY MR. SCHOLFIELD:

19 Q. Attorney Hwang, did you come to have an
20 understanding as to what had happened to Seungick Chung? And
21 we'll walk through it step by step.

22 A. Sure.

23 Q. And beginning with his sister bringing him to
24 Connecticut, what -- what happened?

25 A. So --

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1 Q. Excuse me. His sister bringing him from Connecticut to
2 New York. What happened?

3 A. So at that time they were in the process of opening
4 up the New York church.

5 THE COURT: I'm sorry, what time was this?

6 MR. SCHOLFIELD: What time is -- I mean, it's --

7 THE WITNESS: This is late September, beginning of
8 October of 2013. So I think --

9 BY MR. SCHOLFIELD:

10 Q. Would looking at a police report refresh your
11 recollection as to the year?

12 A. Yeah. I'm sorry, 2012.

13 Q. There you go.

14 A. 2012. All right. So she had brought them up. The head
15 of the church from Korea was in New York at this facility and
16 the sister believed that this head of the church had special
17 powers and she had told me that -- that she believed that she
18 could -- this head of the church could cure her brother
19 through religious prayer.

20 Q. Cure him of what?

21 A. Schizophrenia. And they -- so she brought him over.
22 They took him off his medication.

23 Q. About what time is your understanding
24 this --

25 A. Around the same time. As soon as they brought him

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1 over they ceased all the medication and he became very loud
2 and combative. He had at one point left the facility.

3 Q. Do you have an understanding about when that was?

4 A. That was, I think, within a couple of days after he
5 had arrived.

6 Q. And do you know if they called the police when he
7 left the facility?

8 A. They did. They called the police, but then they
9 were able to find him and --

10 Q. Do you know if --

11 A. -- and bring him back.

12 Q. Do you know if that incident generated the
13 September 25th, 2012 police report that's been marked as
14 Exhibit 5?

15 A. Yes.

16 Q. In any event, you said they were able to find him and
17 bring him back. And then what's your understanding as to what
18 occurred?

19 A. So then they decide to duct tape him down to his --
20 in -- in bed.

21 Q. Do you have an understanding as to -- first of all,
22 where was he located in the church facility?

23 A. The sister had told me that he was in the basement.

24 Q. When they duct taped him, what parts of his body
25 did they tape?

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1 A. They duct taped his -- well, she admitted that they
2 duct taped both legs and both arms. The medical reports also
3 show markings around the mouth and the neck, so there was most
4 likely a restraint around the neck, and also the -- I think
5 there was some medical evidence that he was gagged.

6 Q. Let's walk through that. What -- what did the
7 medical reports indicate as to why he was gagged? Well,
8 actually we should back up a second. Do you have exhibit --
9 marked Exhibit 8 in front of you?

10 A. I do. And this is the complete set of medical
11 reports from the New York Hospital.

12 Q. Is that -- is that New York Hospital Queens?

13 A. Correct.

14 Q. And then what's the rest of that because there's --
15 there's quite a bit there. Is there something else there?

16 A. In addition to -- well, there's lots of stuff here.

17 Q. Do you -- do you know if it has any records from
18 Trinity Hill Healthcare?

19 A. Yes, it does also have records from Trinity.

20 Q. And you have a CD in front of you, don't you?

21 A. I do.

22 Q. Is that marked Exhibit 9?

23 A. It is.

24 Q. And is it your understanding that that Exhibit 9
25 contains a digital copy of what is Exhibit 8?

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1 A. Yes.

2 MR. SCHOLFIELD: Your Honor, we'd offer Exhibit 9.

3 I won't -- I won't do you the disservice of giving you --

4 THE COURT: Right. Can you authenticate it as a --
5 as an accurate business record?

6 MR. SCHOLFIELD: I think I can, Your Honor. In what
7 sense?

8 THE COURT: Well, I mean in other words, how is this
9 admissible at this point? I mean, medical records typically
10 are, but we don't have the medical records custodian here.

11 How -- how did you get them? What -- why are they admissible?

12 BY MR. SCHOLFIELD:

13 Q. Attorney Hwang, did you execute a HIPAA in favor of
14 my office at some point in time?

15 A. I did.

16 Q. Are you aware whether we used that HIPAA form to
17 request medical records?

18 A. Yes. Your office requested these medical records
19 through my authorization.

20 Q. And after we did receive the medical records, did
21 you have an opportunity to review them?

22 A. I did.

23 Q. And did they fit what you understood to be the
24 treatment of Mr. Chung from your investigation and your times
25 [indiscernible]?

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1 A. They are.

2 Q. Did you visit him only once at Trinity or was there
3 more than one time you would go visit?

4 A. It was multiple times.

5 Q. Over the course of how long?

6 A. About a year.

7 MR. SCHOLFIELD: Your Honor, we'd offer them that
8 way. I guess I can also state that if necessary I can get a
9 custodian's affidavit. But as Your Honor's aware from our
10 other correspondence to the Court, there's a lawsuit against
11 Trinity for --

12 THE COURT: I know.

13 MR. SCHOLFIELD: -- their failings, so it might
14 be --

15 THE COURT: They may not be happy, yes.

16 MR. SCHOLFIELD: So, I guess, Your Honor, on that
17 basis I'd offer them as -- to his understanding as a --

18 BY MR. SCHOLFIELD:

19 Q. Actually, do you understand as a conservator of
20 estate that you're also custodian of Mr. Chung's records?

21 A. I am.

22 MR. SCHOLFIELD: I would offer it on that basis,
23 Your Honor.

24 THE COURT: Custodian means I have a property
25 interest in that in some way?

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1 MR. SCHOLFIELD: He's responsible for any property
2 that belongs to Mr. Chung and I think under our federal laws
3 and other laws his medical records are theoretically his
4 property as well.

5 THE COURT: So he can -- he has access to them and
6 he can consent to their release if necessary?

7 MR. SCHOLFIELD: Presume -- theoretically yes, Your
8 Honor.

9 THE COURT: No, but I mean him.

10 MR. SCHOLFIELD: Oh, Mister -- Mr. Hwang, yes.

11 THE COURT: Yes.

12 MR. SCHOLFIELD: Yes, Your Honor.

13 THE COURT: And do you know whether these records
14 were made in the ordinary course of business at the hospital?

15 THE WITNESS: I'm sure that they were, Your Honor.
16 I -- I think they were executed through the HIPAA
17 authorization.

18 THE COURT: Okay. Was there any cover letter or
19 certification that came with them?

20 MR. SCHOLFIELD: There was, Your Honor. Let me get
21 that out. And you know what, Your Honor, I'm noticing out of
22 all the things I have, I know exactly where it is and it's
23 sitting on my desk.

24 THE COURT: Oh, not a problem. Just --

25 MR. SCHOLFIELD: I'll upload it.

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1 THE COURT: -- just submit it to the Court.

2 MR. SCHOLFIELD: Just upload it through CMF later?

3 THE COURT: Yes. Just file it, you know, when you
4 get back. Thanks.

5 MR. SCHOLFIELD: I apologize.

6 THE COURT: Okay. Not a problem.

7 MR. SCHOLFIELD: Can we have a provisional ruling
8 that --

9 THE COURT: Yes. The doctor -- these documents are
10 admitted as the medical records of Seungick Chung from the two
11 facilities just discussed, New York Hospital and Trinity
12 Hills. They were received on the basis of a HIPAA request and
13 once the Court receives the certification that these are in
14 fact the medical records of those entities the Court will
15 admit them.

16 MR. SCHOLFIELD: Now one -- one thing for purposes
17 of the record, Your Honor, just to put on there I know when we
18 were reviewing these records we discovered several -- I think
19 two pages that were not for Mr. Chung. They were from some
20 other individual. I have no idea why they were provided to
21 us, but I would like to identify the Bates numbers because we
22 pulled them out and obviously threw them away. It would be
23 Bates numbers 592 and 593 will be missing for that reason.
24 Thank you, Your Honor.

25 BY MR. SCHOLFIELD:

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1 Q. Okay. As you indicated earlier, you were discussing
2 that the medical records show that there were constriction
3 marks to Mr. Chung's neck, is that --

4 A. That's correct.

5 Q. Is that your understanding? And I think if you want
6 to pull the band off and I'm going to hand this to you. I'm
7 going to hand you -- I'm going to show you Chung 10.

8 MR. SCHOLFIELD: I'd like to approach very quickly ,
9 Your Honor, while I --

10 THE COURT: Sure.

11 THE WITNESS: All right. Just give -- give me those
12 and -- okay.

13 **BY MR. SCHOLFIELD:**

14 Q. Sir, in front of you you have pulled out of Exhibit 8
15 Bates stamps Chung 10 and Chung 11?

16 A. I do.

17 Q. And first of all what's Chung 10? Can you briefly
18 describe for Your Honor which that one is?

19 A. Medical report ran by the vascular -- attending
20 physician for the -- for vascular at New York Hospital Queens.

21 Q. Okay. And does this to your understanding describe
22 the vascular's observations of Mr. Chung when he was initially
23 presented to the hospital?

24 A. Yes, it does.

25 Q. All right. Now we are still getting ahead of

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1 ourselves, so we'll back up a little bit as to what was
2 happening at the church facility, if you can set those aside.
3 Now, you testified earlier it's your understanding that
4 Ms. Chung elected to duct tape Mr. Chung to a bed, is that
5 correct?

6 A. Well, yes, the -- not just her but everybody else
7 that was -- that was there.

8 Q. All right. And who would that include, to your
9 understanding?

10 A. Her fiancé was there, the leader of Grace Road
11 Church and a number of other individuals that were living
12 there. I think they said maybe ten -- ten people that were
13 never identified to me.

14 Q. Was it your understanding that this church facility
15 had residential space for the members?

16 A. Well, this -- they were conducting church in a house so
17 So they rented the house and then were -- they were conducting
18 the worship at the house.

19 Q. Did you understand that various members would stay
20 at the house overnight?

21 A. Yes. They would all live there also.

22 Q. And you mentioned the leader of the church. Do you
23 have a -- off the top of your head do you know who that is?

24 A. I -- I don't have her exact name.

25 Q. If I was to say Ok-Joo Shin, would you understand

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1 that --

2 A. That's correct, yes.

3 Q. -- that person has been named as a defendant in this
4 lawsuit?

5 A. Yes.

6 Q. And in the complaint that was originally drafted
7 was she named as a defendant as a lead -- as the leader of the
8 church?

9 A. Yes.

10 Q. Do you have an understanding as to when Mr. Chung
11 was duct taped to a bed?

12 A. I believe October 2nd.

13 Q. What's the basis of your understanding that it was
14 October 2nd?

15 A. The fiancé made a statement to the police officer.

16 Q. Who's the fiancé? Who was that?

17 A. He -- I probably have to refresh my recollection, but
18 I can't think of the name of the fiancé.

19 Q. Who was he engaged to be married to?

20 A. Oh, Kevin's sister.

21 Q. That being Myung-Hee Chung?

22 A. Correct.

23 Q. And is it your understanding that he was also a
24 member of this church?

25 A. Yes, he was.

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1 Q. Is it your understanding that he was also involved
2 in the incidents we're here to discuss today?

3 A. Yes.

4 Q. And he is one of the individuals who gave statements
5 to the police. Is that your understanding?

6 A. Yes.

7 Q. And was he present when you interviewed Myung-Hee
8 Chung on June 25th, 2013 in Seattle?

9 A. Yes, he was.

10 Q. And you had conversations with him as well?

11 A. Yes, I did.

12 Q. And it's your understanding from him that about --
13 about October 2nd was when they duct taped Mr. Chung to the
14 bed?

15 A. Yes.

16 Q. Do you have an understanding as to how long Mr. Chung
17 remained duct taped to the bed?

18 A. Approximately ten days, 2000 -- October 12th, 2012 was
19 when he was brought to the hospital.

20 Q. And do you have an understanding as to what occurred
21 over that ten-day period with Mr. Chung and his physical
22 conditions?

23 A. Yes. He developed gangrene in one of his legs. For
24 a number of days they noticed that it was discolored. They
25 decided to just massage it and at a certain point the leg

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1 became deformed and then they decided to bring him to a
2 dermatologist who referred him to the emergency room.

3 Q. And did --

4 THE COURT: I'm sorry, when you say "they" can you
5 identify who you mean?

6 THE WITNESS: The people at the church. So it was I
7 guess the minister and the rest of the members, including his
8 sister and his fiancée -- her fiancé.

9 THE COURT: Did that include Ok-Joo Shin?

10 THE WITNESS: Yes.

11 THE COURT: And how do you know that?

12 THE WITNESS: She was a leader of the church so
13 everything was done with -- through her order and control and
14 she was there living at the facility. So I'm sure that
15 none -- nothing would be done without her permission.

16 THE COURT: Was there any statement to that effect
17 made either by the fiancé or the sister?

18 THE WITNESS: No, Your Honor.

19 **BY MR. SCHOLFIELD:**

20 Q. Is it your understanding that -- did the fiancé and
21 the sister at one point say that they were the only ones
22 involved, the church had nothing to do with it?

23 A. They decided to take the blame.

24 Q. Is that contained in the June 25th, 2013 statement?

25 A. Yes.

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1 Q. They elected to take the blame and they maintain
2 that Ok-Joo Shin, despite being in the house, had no idea that
3 this was going on?

4 A. I guess that's what their claim was that -- you know,
5 that they are the only ones that were at fault. And then so
6 the police arrested them only.

7 Q. Did you later learn that the church had paid for
8 Myung-Hee Chung and her fiance's criminal defense bill?

9 A. Yes.

10 Q. You were testifying that Mr. Chung was brought to
11 the hospital. Do you know which hospital?

12 A. He was brought to a dermatologist first, which I do
13 not know the name of the dermatologist.

14 Q. Okay.

15 A. And that day he was brought to the emergency room.
16 I guess it was the New York Hospital Queens.

17 Q. And is that -- do you know if that's where his leg
18 was ultimately amputated?

19 A. Yes.

20 Q. Now, if you'll turn back to Chung 10 which is in
21 front of you and we won't have you read it into the record.

22 MR. SCHOLFIELD: But I -- I would ask Your Honor to
23 look at it later. It's Bates-stamp 2010.

24 BY MR. SCHOLFIELD:

25 Q. Does that -- does that describe the condition of the

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1 leg upon presentation?

2 A. Yes, it does.

3 MR. SCHOLFIELD: And Your Honor, we also quoted from
4 that specifically in our damages [indiscernible].

5 BY MR. SCHOLFIELD:

6 Q. And in essence, does it -- does it describe a dead
7 limb?

8 A. Yes.

9 Q. Does it describe the limb as cold to the touch?

10 A. Yes.

11 Q. Does it describe visibly thrombosed veins?

12 A. Yes.

13 Q. Now, if you look at Chung 11 which I think you might
14 have just handed up to His Honor is, is that -- is it your
15 understanding that this is a -- this document would be a post-
16 operative report?

17 A. Yes, it is.

18 Q. And does it indi -- excuse me -- does it indicate
19 anything about the expectations going into the surgery and
20 whether they were met?

21 A. Yes, it does.

22 Q. What does it state about that?

23 A. Stable.

24 Q. Does it indicate whether they had to -- again, I'm
25 asking a bad question -- whether they had to amputate more

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1 than expected??

2 A. Yes. They went in and they -- it says -- yeah.

3 They said that "significant non-viable muscle in the distal
4 thigh."

5 Q. Now, after the amputation do you have an
6 understanding as to approximately how long Mr. Chung was
7 confined to New York Hospital Queens?

8 A. He was there for a month.

9 Q. And do you have an understanding as to what was
10 occurring during that time?

11 A. Yes. It's all contained in the medical report.

12 Q. And I'll hand this to you. It's [indiscernible].

13 MR. SCHOLFIELD: Your Honor, approach, please?

14 THE COURT: Yes.

15 MR. SCHOLFIELD: Your Honor, these are from
16 Exhibit 8, which is also Exhibit 9. We are looking
17 specifically at Bates-stamped 22 and 23.

18 BY MR. SCHOLFIELD:

19 Q. And Mr. Hwang, do those describe physical therapy
20 sessions with Mr. Chung?

21 A. It does.

22 Q. And do you have an understanding as to why he was
23 receiving physical therapy?

24 A. Well, yeah. He had lost the -- the leg above the
25 knee.

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1 Q. Are those documents there describing essentially
2 teaching him how to walk again?

3 A. That's correct.

4 Q. Now, if you look at Bates-stamped pages 31 and 32,
5 do you have those in front of you now -- also from Exhibit 8
6 and Exhibit 9 -- do you understand that to be a progress
7 report?

8 A. Yes, it does.

9 Q. Do you see a date on it?

10 A. Date is November 2nd, 2012.

11 Q. This would be about 20 days or so after he initially
12 presented to the hospital then?

13 A. That's correct.

14 Q. And does -- does page 31 -- Bates-stamped page 31
15 specifically describe that Mr. Chung is suffering from
16 uncontrolled hypertension?

17 A. That's correct.

18 Q. Now, how old is Mr. Chung? Do you have an
19 understanding as to how old he was when this incident
20 occurred?

21 A. At that time I think he was 26.

22 Q. He's a young man -- it's your understanding that he
23 was a young man?

24 A. Yes.

25 Q. Now, if you look at -- do you have Bates-stamped page 36

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1 in front of you?

2 A. I do.

3 Q. Is that an additional progress note for Mr. Chung?

4 A. It is.

5 Q. And does it have a date on it?

6 A. November 19th, 2012.

7 Q. So this is approximately two weeks later. Does it
8 indicate that he's now experiencing left foot pain?

9 A. Yes.

10 Q. Do you have an understanding as to how that came to
11 develop?

12 A. It was because he had lost his right -- right leg so
13 he had to over compensate.

14 Q. Now, when you first met Mr. Chung you said it was in
15 approximately June of 2013, is that correct?

16 A. That's correct.

17 Q. And that would have been eight months after he had
18 presented to New York Hospital Queens?

19 A. Yes.

20 Q. And you described him for His Honor as sluggish and
21 still very pale -- or, excuse me -- not pale but very thin and
22 things like that?

23 A. Yes.

24 Q. Did you -- do you have a page in front of you marked
25 50?

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1 A. 50?

2 Q. Yeah, Bates-stamped 50.

3 A. I do not.

4 Q. Okay, let me grab it for you. That's right because

5 I have it. Mr. Hwang, do you have an understanding as to what

6 Bates-stamped 50 is?

7 A. A yearly physical update --

8 Q. From?

9 A. -- for Mr. Chung.

10 Q. Sorry. From what facility?

11 A. Since it's the beginning I would think it's from --

12 Q. Did I not give you the front page?

13 A. Yeah.

14 Q. That's my mistake. Okay. Here's -- my apologies. Chung

15 49 is the cover page for Chung 50.

16 A. Okay.

17 Q. Does that indicate which facility that that was --

18 A. That's Trinity Hill Healthcare in Hartford,

19 Connecticut.

20 Q. And does exhibit -- does Bates-stamped 50 purport to

21 offer yearly progress updates -- excuse me -- on Mr. Chung?

22 A. Yes, it does.

23 Q. And is there two progress updates listed there, one

24 for 2013 and one for 2014?

25 A. Yes, it does.

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1 Q. In different columns? And if you go down to
2 "Diagnosis" on the left-hand column, which is for 2013, do you
3 see that?

4 A. Yes.

5 Q. And are you able to decipher what it indicates
6 there? Do you see SPAK -- or excuse me -- RAKA?

7 A. I'm just trying to find the column that you're
8 looking through.

9 Q. I'm sorry, it's the left-hand column.

10 A. The left-hand column.

11 Q. And towards the bottom of the page is "Diagnosis."

12 A. Okay, here we go.

13 Q. Do you see that?

14 A. Yep. Yes, I do.

15 Q. Do you see SPRAKA?

16 A. I do.

17 Q. Do you have an understanding that that means "status
18 post right above knee amputation"?

19 A. Yes.

20 Q. And do you see also ARF?

21 A. Yes.

22 Q. Do you have an understanding that that means "acute
23 renal failure"?

24 A. Yes.

25 Q. And is this the diagnosis of Mr. Chung a year later?

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1 A. That's correct.

2 Q. And if you go across do you see --

3 A. Well, and also schizophrenia --

4 Q. Right.

5 A. -- and seizures.

6 Q. He's suffering from seizures a year later?

7 A. Yes.

8 Q. Now, do you see -- if you go across do you see a
9 column for 2014?

10 A. I do.

11 Q. And do you see that it indicates still -- status
12 post right above knee amputation?

13 A. Yes.

14 Q. And schizophrenia and seizure?

15 A. Yes.

16 Q. And do you see that it indicates rhabdomyolysis?

17 A. I do.

18 Q. Do you have an understanding as to what that is?

19 A. I think that's when tissue dies it affects your --
20 your body it -- so there's still toxins built up into your
21 body. I think so.

22 Q. Yeah, that's -- now I'm going to hand -- I'm going
23 to hand you the very last --

24 THE COURT: What's the basis of your knowledge of
25 that?

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1 THE WITNESS: I think I Googled it. I Googled the
2 term a while ago.

3 MR. SCHOLFIELD: I asked the nurse practitioner --

4 THE COURT: It was certainly Googled.

5 MR. SCHOLFIELD: I asked the nurse practitioner in
6 my office.

7 BY MR. SCHOLFIELD:

8 Q. Mr. Hwang, I'm showing you what are the last two pages of
9 Exhibit 8 and can you just tell his Honor what those are?

10 A. It's the medical bills.

11 Q. Now, we aren't -- we don't have any payback in this
12 case, is that right?

13 A. Correct.

14 Q. But we were able to finally obtain the medical bills
15 to see how much it cost. Is that for the amputation?

16 A. That's correct. We don't have the payback yet.
17 There might be a department -- a lien from the State of
18 Connecticut.

19 Q. Do you see on the bill that it indicates Medicaid
20 HUSKY?

21 A. Yes.

22 Q. Is it your understanding that's what Connecticut
23 calls its Medicaid program?

24 A. Yes.

25 Q. After UCONN, the HUSKY?

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1 A. And as an attorney I'm familiar that the most -- majority
2 of time they will seek to get reimbursed for any medical
3 expenses that they have.

4 Q. Now, how did -- how much did New York Hospital
5 Queens charge for the amputation?

6 A. The whole -- looks like \$158,879.

7 Q. And do you -- do you see that Medicaid made a
8 payment?

9 A. Yes.

10 Q. How much is that?

11 A. \$27,946.

12 Q. Medicaid doesn't have to pay that much, right?

13 A. No.

14 Q. All right. Now --

15 THE COURT: Just one question going back to the
16 seizures. Do you know whether he had a seizure disorder prior
17 to the incident that you complained of in the complaint?

18 THE WITNESS: My understanding is he was just
19 diagnosed with schizophrenia and then he was only on the
20 medications for schizophrenia prior to the incident.

21 THE COURT: So you have no record in any of --
22 either the court records or the medical records that you've
23 seen that show that he had a seizure disorder prior to the
24 incident?

25 THE WITNESS: I've never seen any records that

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1 indicate that he had a seizure prior to the incident.

2 THE COURT: And do you know if there's anything
3 connecting the seizure disorder to the incident? And is that
4 something that you're alleging?

5 THE WITNESS: No, Your Honor. I think we don't know
6 what causes the seizures, so within a reasonable degree of
7 medical certainty, I -- I'm not sure if this is related.
8 However, you know, there's circumstantial evidence if somebody
9 was not suffering from seizures who went through a deeply
10 traumatic event, and my understanding when I talked to the
11 doctors was that this does have an affect on his mental well-
12 being, so the incident that actually happened, traumatic.

13 BY MR. SCHOLFIELD:

14 Q. When you speak of the trauma, do you -- is it just
15 the loss of the leg that you're speaking of?

16 A. No. He went through a horrible period of time when
17 he was actually restrained with duct tape in a basement. It's
18 pretty bad for anybody, especially somebody who already has a
19 mental illness, I think that's -- yeah.

20 Q. Can you imagine what that would be like?

21 A. It's pretty horrible. It was shocking when I found
22 that out.

23 MR. SCHOLFIELD: Your Honor, if I can just have
24 one -- just one minute to briefly look through my notes?

25 THE COURT: Sure. Sure.

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1 [Pause in the proceedings.]

2 BY MR. SCHOLFIELD:

3 Q. Were you able to see Mr. Chung at all maybe two
4 years or three years after the accident?

5 A. Yes.

6 Q. Excuse me, the incident.

7 A. Yes.

8 Q. And when you saw him, let's say two years later, how
9 was his physical condition?

10 A. He had improved. So he had a prosthetic leg and
11 crutches and he was out of the wheelchair and he had gained
12 some weight. And he was a little bit less medicated, sedated.

13 Q. And what about three years later?

14 A. Probably the same.

15 Q. Now, did you understand that part of your role as
16 conservator was to provide for the life care and planning of
17 Mr. Chung?

18 A. Yes, it was.

19 Q. And did you conduct an investigation as to what an
20 amputee should expect to deal with throughout the course of
21 the life?

22 A. Yes.

23 Q. And what kinds of things did you learn about that?

24 A. Well, he will have to suffer as -- as he wears
25 prosthetic that tissue will break down, so he will constantly

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1 have to get new prosthetics which are very expensive.

2 He'll --

3 THE COURT: I'm sorry, how do you know that?

4 THE WITNESS: I just kind of Googled it myself and
5 kind of like figured out what I needed to plan for his future
6 and see what things I -- I need. He would need constant
7 physical therapy. This is what the doctor had told me, that
8 he'll -- you know, his walk is -- will never be perfect
9 because it's above-the-knee amputation. So --

10 BY MR. SCHOLFIELD:

11 Q. Did you ever see him walk?

12 A. I -- I did.

13 Q. How did he walk?

14 A. He kind of stumbled along a little bit. He had a
15 very difficult walk.

16 Q. Let's -- just to be clear about why you were
17 investigating, did you seek out to be a conservator of
18 Mr. Chung?

19 A. I did not.

20 Q. You were asked to do it by the Probate Court
21 essentially as a favor?

22 A. Yeah. Unlike New York, Connecticut only has a very
23 small handful of Korean-American attorneys, so they had to --
24 they tracked me down and I reluctantly agreed to do this.

25 Q. You knew that they needed someone who spoke Korean?

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1 A. Yes.

2 THE COURT: Well, what is your specialty otherwise?

3 THE WITNESS: I do civil litigation and immigration
4 law.

5 BY MR. SCHOLFIELD:

6 Q. And so as a -- as a newly-appointed conservator of a
7 person who had a serious injury, did you just do whatever you
8 could to try and plan for his future?

9 A. Yeah. I felt really bad for him. He was the top of
10 my list of people to really help, you know.

11 Q. And did you -- sort of, for example, did you try to
12 consult with maybe his medical providers as to what --

13 A. Oh, yeah. Yeah.

14 Q. All right.

15 MR. SCHOLFIELD: Your Honor, at that point, I don't
16 think I have any more questions. I -- I can give maybe a
17 three-minute summation if Your Honor wants.

18 THE COURT: Oh, sure. I just have a question about
19 the prosthetic and -- and the breakdown of the tissue.

20 EXAMINATION

21 BY THE COURT:

22 Q. Is that something you discussed with his doctors as well?

23 A. Yes.

24 Q. And can you tell me a little bit more about who his
25 doctors are and what their specialty is and what they told

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1 you?

2 A. He had a number of doctors. Primarily he had a
3 psychiatrist that were -- that were medicating him. And I
4 spoke on the phone with the psychiatrist about his condition
5 and whether or not the meds will help him, and he said that he
6 would never get better, he will always be medicated. And --

7 Q. Are we talking about the mental condition or --

8 A. Yes. Yes.

9 Q. Okay.

10 A. I did talk with his physical therapist, which was not a
11 doctor but a PT, and they said that -- that's when I talked to
12 them about the prosthetics and then his ability to walk and
13 ambulate. And then he said that, yes, that tissue -- that
14 tissue was constantly going to break down, he'll need a new
15 prosthetic every so -- so many years, depending on how his leg
16 holds up. I think those are the main doctor that I recall. I
17 think I might have talked with somebody else, but I don't
18 recall the exact nature of that conversation, Your Honor.

19 THE COURT: Do we have any sense of what his life
20 expectancy is?

21 MR. SCHOLFIELD: Mainly, Your Honor, I think it's a
22 little bit difficult, Your Honor. He was young, 26. He did
23 have a mental disorder and one of our arguments is that makes
24 the physical limitation all the worse for him. I would say we
25 would hope he would live at least 45 to 50 years.

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1 THE COURT: And --

2 THE WITNESS: Well we do have the mortality tables.

3 In Connecticut they're judicial, so --

4 MR. SCHOLFIELD: Yeah, they're considered --

5 THE COURT: I mean, is there any reason to think
6 that he won't be -- does he conform to those tables? Does
7 anything in his condition prior to this incident change
8 things?

9 THE WITNESS: No. I wouldn't -- I wouldn't say --
10 he doesn't have any things like a heart condition or things
11 that would predispose him to live a shorter time. He has the
12 mental health issues. As long as there are people that are
13 around him that can help him with that, that wouldn't affect
14 his life expectancy nor his amputation above the knee.

15 MR. SCHOLFIELD: I think the only other thing to
16 note though, Your Honor, is in all fairness, the
17 rhabdomyolysis, which is, you know, toxic and subject to
18 damage from muscle tissue dying may have affected his organs,
19 but it would have been caused by the -- the loss of the leg.

20 THE COURT: Has anyone -- any doctor mentioned that
21 or discussed how that would work?

22 MR. SCHOLFIELD: Not -- not to me, Your Honor. I'm
23 just trying to be fair to the Court and say there is obviously
24 evidence in -- in this stack about him having some organ
25 damage. It wasn't significant, from what I understand.

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1 THE WITNESS: And he had the compromised renal
2 function for a couple of years, Your Honor.

3 THE COURT: Do we know whether that limits his life
4 expectancy?

5 MR. SCHOLFIELD: I don't off the top of my head,
6 Your Honor.

7 THE COURT: Okay, thanks.

8 MR. SCHOLFIELD: Thank you, Your Honor.

9 BY THE COURT:

10 Q. Oh, also for the mortality tables, these are Connecticut
11 mortality tables?

12 A. No, we used the standard. I used the Social Security.

13 MR. SCHOLFIELD: Yeah, we used the Social Security
14 one. In -- in Connecticut they're just sort of deemed
15 admitted.

16 THE WITNESS: They're deemed admitted.

17 THE COURT: Okay.

18 MR. SCHOLFIELD: I --

19 THE WITNESS: Not that anybody --

20 MR. SCHOLFIELD: I can upload them though, Your
21 Honor.

22 THE COURT: Well, I'm sure we have them. Maybe used
23 them in our trials as well. So that's what you would be
24 urging the Court to look at?

25 THE WITNESS: Yes, Your Honor.

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1 MR. SCHOLFIELD: Yes, Your Honor.

2 THE COURT: With some possible discount or
3 modification as a result of the two conditions that you talked
4 about, the renal function and the rhabdomy --

5 MR. SCHOLFIELD: Rhabdomyolysis.

6 THE COURT: Rhabdomyolysis.

7 MR. SCHOLFIELD: But, Your Honor, I think -- well,
8 my point is that he might have less life expectancy with the
9 leg, but I think the loss, any reduction in his life
10 expectancy at least if it's caused by that it's caused by this
11 incident.

12 THE COURT: Right. So you think it would be a wash
13 in that sense? Okay.

14 BY THE COURT:

15 Q. Anything else that you want to add that you haven't said
16 that you think is important?

17 A. I don't think -- I don't think so, Your Honor. I think
18 he went through a traumatic event. I think he should be
19 compensated for what happened to him during that period. He's
20 got to live with that amputation for the rest of his life and
21 I think it -- honestly, I believe that it worsened his
22 psychological condition.

23 Q. Are there any other facilities that he could go to that
24 are -- that would provide a better quality of care for him?

25 A. If he had the money, Your Honor, there are much nicer

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1 private facilities that can take care of him.

2 Q. But since he relies on Medicaid funding this is the best
3 he can get?

4 A. Correct. That's correct.

5 Q. Is that because he's in Hartford or if he went to other
6 parts of Connecticut would his life be better?

7 A. In terms of facilities, no, Your Honor. I think they're
8 pretty much the same if he had a Medicaid facility. If he had
9 a private facility then that would be -- that would be a game
10 changer.

11 Q. And he has no resources at this time?

12 A. No.

13 THE COURT: I think that's all the questions. Can
14 we go off the record a second?

15 (Off the record.)

16 THE COURT: We can -- you've already made
17 submissions. I assume you're not doing this *pro bono*.
18 Hopefully, that the Court is --

19 MR. SCHOLFIELD: It's pretty much *pro bono*. It's
20 \$50 an hour.

21 THE COURT: Excuse me. Okay. So I guess the only
22 other questions are we looking at -- I'll give you a minute to
23 think about this when we go back on the record, but if -- if
24 it --

25 (Off the record.)

1 THE COURT: And so of the record I was just asking a
2 question as to comparables and to where the comparables --
3 what we're comparing with. And counsel, you just mentioned
4 New York?

5 MR. SCHOLFIELD: Yes, Your Honor.

6 THE COURT: So do you want to just explain what
7 you -- what you did?

8 MR. SCHOLFIELD: To be frank, Your Honor, what I did
9 was I called the attorney who were admitted *pro hac vice* and
10 we asked him what he thought the numbers were that made sense
11 and we created this chart that appears on the tenth page of
12 our submission.

13 And some of these things are very difficult to
14 value. For example, we tried to value what it would be worth
15 to be taken off your medication that was controlling your
16 schizophrenia and to sort of lose that and to become more
17 insane, for example. You know, we also -- we tried to provide
18 superficial injuries, so the wrists and the knees and things
19 like that.

20 I did not have an opportunity to look at verdicts in
21 New York, if that's what Your Honor's question is. If Your
22 Honor would like us to do something like that and submit a
23 further analysis we can do so.

24 THE COURT: That would be helpful to the Court. You
25 know, for example, constriction injuries to ankles, knees,

1 wrists, neck, mouth and face, to what extent are they
2 permanent and to what extent are they -- were they time
3 limited?

4 MR. SCHOLFIELD: They weren't permanent. He
5 presents at the hospital with these injuries and he didn't
6 have them [inaudible], for example.

7 THE COURT: The removal from the psychotropic
8 medication and degradation of mental state, is some of that
9 permanent or is all of it just temporary or don't you know?

10 MR. SCHOLFIELD: We were specifically focusing on
11 that period of time when he was in the facility removed from
12 his mental state. So we saw that as sort of different than
13 suffering post-surgery where we would look to. To the extent
14 there was anything mental that was permanent, that's where
15 we'd look at that. To us, this was trying to capture that
16 window of September to October 12th; he's off his medicine and
17 -- and essentially losing his mind.

18 THE COURT: Right. So will he be compensated? He
19 went off psychotropic medication -- he was off psychotropic
20 medication, whatever suffering that -- mental suffering he had
21 separate from the physical suffering of being duct taped and
22 kept in a confined space, although the boundaries may be
23 difficult to discern.

24 MR. SCHOLFIELD: There might be some overlap, Your
25 Honor.

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1 THE COURT: But -- but that's what you're -- that's
2 what you're looking at right there for a time limited period?

3 MR. SCHOLFIELD: Correct, Your Honor.

4 THE COURT: Okay. And we're talking about ten days?
5 How many days are we talking?

6 MR. SCHOLFIELD: Our understanding is that about
7 September 25th, which is the first police report, which is
8 when he's wandering about by himself essentially. And so at
9 least from that day and potentially slightly earlier through
10 October 12th when he's brought to the hospital he's not on
11 his --

12 THE COURT: Okay.

13 MR. SCHOLFIELD: -- his schizophrenic medication.
14 And so is that, 15 -- 17 days then.

15 THE COURT: Um-hum. And do we have any description
16 of his mental state or anything from his sister or her fiancé
17 that would describe his condition, whether he was upset,
18 terrified, hallucinating, delusional? What -- the change in
19 his mental state?

20 THE WITNESS: During the time that this happened,
21 Your Honor?

22 BY THE COURT:

23 Q. During that time that -- that you're seeking the damages
24 to that?

25 A. In the recorded statement she does mention that he was

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1 screaming and saying things, and she would say, "He was doing
2 things that -- that I don't even want to talk about," so like
3 that.

4 Q. Well, for me to -- for me to evaluate it, if you don't
5 want to talk about it I need to see something in the record.

6 A. Oh, no, no, no, I didn't -- she said that. She didn't
7 want to talk about it.

8 Q. Okay. She did?

9 A. I'm willing to answer whatever -- whatever questions.

10 Q. Do you know what she was referring to?

11 A. I think she was talking about him they were -- he was
12 mentioning that he had raped his sister and his mother.
13 That's in her statement. You know, they're very crazy things.

14 Q. But that was a delusion? She didn't --

15 A. Oh, no. Yeah, yeah, that was all delusion. But he
16 thought that that had happened and, you know, things -- things
17 along that nature.

18 Q. And was he feeling happy about that? Delusional about
19 that?

20 A. No, he was really distraught.

21 Q. Guilty?

22 A. Yeah.

23 Q. He was distraught. Oh, were there any other indications
24 that he was suffering over other issues?

25 A. Related to?

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1 Q. To anything while he was confined to that 15-day period
2 [indiscernible]?

3 MR. SCHOLFIELD: Maybe to help Your Honor, with Your
4 Honor's indulgence. Between --

5 THE COURT: Sure.

6 MR. SCHOLFIELD: Between the police reports and the
7 recorded statement from June 25th, 2013, there's also
8 descriptions about him attempting to slam his head into the
9 wall, for example, because he could hear voices and things
10 like that. In the medical records you'll see that at least a
11 month later and I think carrying forward he continued to hear
12 voices. And there's a report that he wouldn't tell the -- I
13 guess the psychiatrist he was speaking to at New York Queens
14 what the voices were saying but he was hearing them. So he
15 was suffering from things like that during the period of
16 confinement, Your Honor. That may have had something to do
17 with why they decided that the correct course of action was to
18 duct tape him to a bed.

19 THE COURT: Do we know whether he was hearing voices
20 or had delusions or hallucinations while he was on his
21 medication and before he was taken off?

22 MR. SCHOLFIELD: The sister claims that he -- the
23 medication never helped him. Now, of course, we don't think
24 that she's particularly credible given what she decided to do.
25 Our understanding, and I guess Mister -- Attorney Hwang's

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1 understanding is that prior to this incident his schizophrenia
2 was controlled with medication.

3 THE COURT: Okay.

4 THE WITNESS: He was living not in a facility. He
5 was living with his parents at the time.

6 THE COURT: Oh.

7 BY THE COURT:

8 Q. And do we have -- well, you had a discussion with his
9 father.

10 A. Yes.

11 THE COURT: Do we have any medical records as to how
12 he was during those times -- that period, was he --

13 MR. SCHOLFIELD: We don't have records, Your Honor.

14 THE WITNESS: They disappeared. They are -- both
15 parents are not around also.

16 BY THE COURT:

17 Q. Do we know whether he was seeing a psychiatrist or some
18 other mental health professional?

19 A. So I had the -- we had -- I had thought about that, but I
20 know that since the parents had also disappeared, I couldn't
21 find out where he was treating prior to this, who had
22 authorized -- you know, who had prescribed the medication, so
23 it's kind of hard to do a baseline. But the baseline that I
24 think of is we have somebody that was living at home and the
25 parents had a small business so he would also stay at the

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1 small business during the working hours taking his medication.
2 And now we have somebody that had to be institutionalized
3 after the accident -- after the incident. So I think that's
4 the baseline that I --

5 THE COURT: Right.

6 THE WITNESS: -- that I draw. And the facility is
7 [indiscernible], yeah.

8 BY THE COURT:

9 Q. Was he working at the business or just --

10 A. No, he was just there.

11 Q. He was just there?

12 A. Yeah.

13 Q. But he was able to maintain self-control?

14 A. That's correct. That's correct.

15 Q. Without any kind of loss of control or screaming --

16 A. That's correct.

17 Q. -- banging his head against the wall?

18 A. That's correct.

19 Q. And that's something that you know this because you spoke
20 to the parents?

21 A. I spoke -- yeah, I spoke to the parents. And I also
22 spoke to the sister and the sister kind of, you know, told me
23 a little bit of background of, you know, his situation. But I
24 think what she was referring to was a cure so she had -- she
25 thought that the medication was not working because it did not

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1 cure his schizophrenia, and which is obviously impossible
2 because that never goes away. So I think that's why she was
3 saying the medication wasn't working because he was not cured
4 and that she was hoping that this minister would cure his
5 schizophrenia through prayer.

6 Q. Did she confirm that -- that her brother was living at
7 home with his parents?

8 A. Yes.

9 Q. And did she confirm that he was able to go
10 to --

11 A. Yeah, because she told me that she had brought him from
12 his parents' house to the facility in New York.

13 Q. Okay. Did she discuss at all what he did during the day,
14 whether he went to the small business with the parents?

15 A. No, the small business part is what I heard from parents.

16 Q. Were you able to independently confirm that they had a
17 small business?

18 A. Yes.

19 MR. SCHOLFIELD: It was a nail salon.

20 THE COURT: Nail salon?

21 BY THE COURT:

22 Q. All right. And did you visit the nail salon or --

23 A. I did not.

24 Q. But you saw some records, so you --

25 A. Yes.

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1 Q. And that was records provided by the parents or --

2 A. It was statements through the parents and I think we -- I
3 had searched something on the -- on the internet probably
4 about where -- you know, where that was, but it wasn't
5 anything like that I actually saw it.

6 Q. Right. But they confirmed that.

7 A. But I confirmed it, yeah.

8 MR. SCHOLFIELD: I recall we sent an investigator to
9 speak to them at one point in time as well.

10 THE WITNESS: Oh, that's right. I think you guys
11 did send an investigator directly to their place and that
12 investigator actually spoke to them.

13 BY THE COURT:

14 Q. And your description of the facility where he was
15 staying, can you tell me a little bit more about the facility?
16 You said there was screaming, the smell was of urine and
17 feces, I assume.

18 A. And it wasn't like it was all over, but clearly there
19 were people there in bed that had soiled themselves and people
20 had -- had not gotten the chance to clean them. It's very
21 dark. It's very depressing. Just some rooms, rooms on the
22 other side, just rows of rooms and then you see the
23 hospital -- the staff just -- just walking through. He was
24 sharing a room with somebody else. And then there were a
25 couple of other facilities that had like some PT areas. But

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1 it was just the first thing you walk in there you can smell
2 the urine and feces just, like, it was quite surprising.

3 Q. Different from his home?

4 MR. SCHOLFIELD: Yes.

5 BY THE COURT:

6 Q. Do you know, did he express whether he was happy or
7 unhappy being at that facility?

8 A. Well, he said he wanted to go home every single time we
9 saw him.

10 Q. Did he say why?

11 A. Not really.

12 Q. I'm not saying you [inaudible]. Did he say he missed his
13 family, friends?

14 A. At a certain point in the very beginning when I met him
15 he was quite angry.

16 Q. At?

17 A. At everybody. His parents and had threatened them. He
18 said that, you know, he was going to kill them. Then we had
19 limited visitation with parents. And then we were able -- he
20 was able to progress well enough that he was able to leave the
21 facility for short periods of time with the parents.

22 Q. Do you know what -- what happens where he is now?

23 A. Yes. I guess the parents -- the mother became a member
24 of the church, brought him to -- to Korea. He actually posted
25 a video online talking about this case in particular saying

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1 that, oh, it maybe somebody whose bringing this lawsuit to the
2 church, so I know for a fact that he is in the church in
3 Korea.

4 Q. And his parents or just his mother?

5 A. His mother is the one that kidnapped him and his father
6 disappeared. I don't know what happened to him.

7 MR. SCHOLFIELD: Your Honor, if I might ask one
8 question to that point?

9 THE COURT: Sure.

10 MR. SCHOLFIELD: Was there a hearing at the Hartford
11 Probate Court after all that had occurred?

12 THE WITNESS: There was.

13 MR. SCHOLFIELD: What was the conclusion of that
14 hearing? Was your conservatorship left in place?

15 THE WITNESS: Oh, yes, it was.

16 MR. SCHOLFIELD: Just so the record is clear about
17 why we're still here.

18 THE COURT: Oh, that's okay. Yeah.

19 BY THE COURT:

20 Q. When you say the mother kidnapped him, is that -- are you
21 saying that she did not have the authority to take
22 him?

23 A. That's correct.

24 Q. Okay. Who had the authority to determine where he lived
25 and where he --

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1 A. I do. And one of the things that I specifically
2 instructed the facility was, is that every time that he would
3 leave the facility, they were to surrender his passport and
4 they were doing that. And until one time they didn't and the
5 one time that they didn't is the time he disappeared. And we
6 have the video footage showing that the mother took him from
7 the facility.

8 MR. SCHOLFIELD: Do you recall suitcases in that
9 video, for example?

10 THE WITNESS: I'm sorry?

11 MR. SCHOLFIELD: Do you recall suitcases in that
12 video, for example?

13 THE WITNESS: Yes. Yeah, there was a number of
14 belongings.

15 MR. SCHOLFIELD: Your Honor, if I can ask just two
16 other follow-up questions on that point?

17 THE COURT: Yes.

18 MR. SCHOLFIELD: Did that occur at or about a day or
19 two after an earlier Hartford Probate Court hearing?

20 THE WITNESS: Yes.

21 MR. SCHOLFIELD: And was that earlier Hartford
22 Court -- Probate Court hearing requesting the mother to remove
23 Mr. Chung from your conservatorship?

24 THE WITNESS: That's correct.

25 MR. SCHOLFIELD: And what was the conclusion of the

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1 hearing?

2 THE WITNESS: That I would continue to be a
3 conservator.

4 THE COURT: Okay. Is there anything you wanted to
5 add at this point?

6 MR. SCHOLFIELD: Not at this point in time, Your
7 Honor. We do have our previous submission. I'd be interested
8 to know what -- what else Your Honor would like to see from
9 me. I understand I have to get the cover letter from Trinity
10 Healthcare.

11 THE COURT: Yes.

12 MR. SCHOLFIELD: Which I'll do as soon as I --
13 hopefully it doesn't take three and a half hours to get back,
14 but it might be tomorrow, is all I'm saying, Your Honor.

15 THE COURT: There's not a rush.

16 MR. SCHOLFIELD: And Your Honor had mentioned
17 comparables. Can I have a deadline to do that by or --

18 THE COURT: Yeah, tell me what you think would be
19 reasonable.

20 MR. SCHOLFIELD: I usually say a week, but then it's
21 Christmas Day. Can I have after New Year, is that --

22 THE COURT: Sure. Are you thinking January 5th?
23 January 12th?

24 MR. SCHOLFIELD: Let's do January 12th just so I can
25 get in touch with New York counsel who we're working with, so

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1 that'd be helpful.

2 THE WITNESS: Would you like the paper hard copies
3 of this also, Your Honor?

4 THE COURT: Yes.

5 THE WITNESS: Okay.

6 THE COURT: Would you prefer not have to carry that
7 back?

8 THE WITNESS: Yes. I'm surround it, give them to
9 you.

10 MR. SCHOLFIELD: All the sheets we pulled out are
11 [indiscernible].

12 THE WITNESS: Okay, yeah. Oh, these?

13 MR. SCHOLFIELD: Yeah, they were just to highlight
14 things. They're [indiscernible].

15 THE WITNESS: Yeah, but you have another copy. Why
16 don't you just leave them so he doesn't have to fish them.

17 MR. SCHOLFIELD: You don't like fishing?

18 THE COURT: I just wanted to go through some of the
19 costs here, the expenses provided here. I -- I don't see any
20 that I have a problem with, but the site inspection, Demovsky
21 Lawyer Service, what -- what does that refer to?

22 MR. SCHOLFIELD: We were -- early on in the case we
23 were attempting to find the sister to do her deposition
24 through the Stafford [ph.] agency and this was when the case
25 was still in Connecticut. And so the Connecticut court

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1 ordered us to show that we made reasonable efforts to do it on
2 our own first because we were asking the defendants to produce
3 her and they had been refusing saying she wasn't an agent. So
4 that was part of that.

5 We had sent a person, a process server out to
6 attempt to serve a subpoena. And I -- I think it was listed
7 as a site inspection because he ended up having to look at
8 several different places for her. And I think he was
9 attempting -- if I recall that one correctly, he had gone to a
10 building and he was attempting to find a person there. I'm
11 not sure why they put it down as site inspection, but that I
12 think is how it was billed to us.

13 THE COURT: Okay. And then there's a video,
14 Geometrix Productions.

15 MR. SCHOLFIELD: We had been asked by the Probate
16 Court for the purposes of this litigation to do a Day in the
17 Life video.

18 THE COURT: Okay.

19 MR. SCHOLFIELD: And we ultimately --

20 THE COURT: For the purpose of this litigation?

21 MR. SCHOLFIELD: Yeah. The Probate Court was
22 tangentially involved in the litigation. The Probate Court --
23 I guess I'm not the court, but my understanding is the Probate
24 Court agreed that part of the reason Mr. Hwang is still
25 conservator that there needed to be some sort of attempt to

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1 recover on behalf of this young man, and so that was what that
2 was part of.

3 THE COURT: The investigator in Korea for a property
4 search?

5 MR. SCHOLFIELD: Correct, Your Honor.

6 THE COURT: Is there -- is there a procedure that --

7 MR. SCHOLFIELD: Our understanding is that's --

8 THE COURT: -- worked?

9 MR. SCHOLFIELD: -- sort of like the Hague. And
10 through an interesting circumstance, Your Honor, we've been
11 contacted by an attorney in Fiji who has some involvement with
12 this church and appears to have property there as well. That
13 was unsolicited. That just sort of happened, but --

14 THE COURT: Is this not the only incident involving
15 this church? What, similar?

16 MR. SCHOLFIELD: I'm not testifying, Your Honor, of
17 course, the answer is my understanding is that this is not the
18 only incident. There's an incident in Chicago with a person
19 who disappeared, another person disappeared. There's an
20 incident in Fiji with an attack on several people.

21 THE COURT: Wow. All right.

22 MR. SCHOLFIELD: And I guess since we were the first
23 to run into them, we get called [indiscernible].

24 THE COURT: And if you do have a recovery in this
25 case, is there anything that this Court will need to do?

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1 Would you be going through us to --

2 MR. SCHOLFIELD: I think the -- except for getting
3 certified judgments that we'll then try to domesticate most
4 likely in both Fiji and Korea at this point in time --

5 THE COURT: Um-hum.

6 MR. SCHOLFIELD: -- I believe that's the extent of
7 this Court's involvement. I have to do a little bit more
8 research to make sure. I don't use the Hague that often.

9 THE COURT: Right. We do it for other purposes,
10 usually.

11 MR. SCHOLFIELD: That would be essentially the
12 [indiscernible].

13 THE COURT: Yeah, it's a good idea. Can you get a
14 copy of the video?

15 MR. SCHOLFIELD: It was never made because members
16 of the church showed up and essentially thwarted the video
17 being made.

18 THE COURT: Really?

19 MR. SCHOLFIELD: I wish we did have it. Yeah. I
20 wish we had it. It's -- it's been an interesting case, Your
21 Honor.

22 THE COURT: Yes.

23 UNIDENTIFIED VOICE: That's an understatement.

24 THE COURT: Does the church have any -- any property
25 in this country at this time?

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1 MR. SCHOLFIELD: Not anymore. It appears that when
2 these events were happening and then shortly thereafter they
3 had a property over in Flushing. The most recent searches
4 show that it doesn't belong to them anymore. It's not clear
5 to me if they were ever renting or if they owned it, but
6 they're definitely not there anymore. It was turned into a
7 liquor store I believe, if I remember correctly.

8 BY THE COURT:

9 Q. Okay. Anything else you'd like to add, sir?

10 A. No, Your Honor.

11 THE COURT: All right. Well, thank you. We'll go
12 off the record.

13 (Off the record.)

14 THE COURT: Yeah, [indiscernible]. Is it in the
15 records what happened in the criminal cases? Do we have
16 defendants' exhibits or not?

17 MR. SCHOLFIELD: I'm not certain, Your Honor.

18 THE WITNESS: The police report. Well, you have the
19 police report, but.

20 MR. SCHOLFIELD: They were arrested and incarcerated
21 and I think they pleaded to something, yeah.

22 THE WITNESS: Oh, I -- yeah.

23 MR. SCHOLFIELD: My understanding is they were
24 incarcerated for eight months at Rikers.

25 THE COURT: So that would be --

1 MR. SCHOLFIELD: I'm not sure if that's in the
2 records.

3 THE COURT: Do you have the docket number of those
4 cases? Do we have any -- any information off them or not?

5 MR. SCHOLFIELD: No. We got -- we learned that
6 through the sister.

7 THE WITNESS: Well, we can find -- we can send you
8 the docket number. That's --

9 MR. SCHOLFIELD: Yeah, we can look them up.

10 THE WITNESS: That's not hard to do.

11 THE COURT: Okay. That would -- that would be
12 helpful.

13 MR. SCHOLFIELD: Certainly.

14 THE COURT: I know that goes more to liability than
15 damages, but it's -- you never know what you find.

16 MR. SCHOLFIELD: Sure. For sure.

17 THE COURT: I think that's it. All right. Thank
18 you very much.

19 MR. SCHOLFIELD: Thank you, Your Honor.

20 THE WITNESS: Thank you, Your Honor.

21 (Proceedings concluded at 1:09 p.m.)

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1 I certify that the foregoing is a court transcript
2 from an electronic sound recording of the proceedings in the
3 above-entitled matter.

4 

5 _____
6 Ruth Ann Hager, C.E.T.**D-641

7 Dated: January 10, 2018
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